IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.259 OF 2006

Manojkumar S. Mishra. ...Petitioner.

vs.

1. Aashish Devendra & others. ...Respondents.

Mr.Kamal Khata i/b. Ashok Purohit, for Petitioner.

Mr.Y.R.Shah, for Respondent no.1.

Mr.Sanjay Jain i/b. L.V.Jain, for Respondent no.2.

Mr.Anil Agarwal, for Respondent no.3.

CORAM: D.K.DESHMUKH,J.

DATED: 20th September,2006

P.C.:-

1. By this petition filed under Section 34 of the Arbitration and Conciliation Act, the petitioner challenges the Award dated 4th April,2006 made by the learned Arbitrator. By that Award the learned Arbitrator has dissolved the firm with effect from 5.12.2003 and has apportioned the amount amongst the partners. The only ground on which the attempt was made before me to challenge the award is that though in recording the finding that the amount of

royalty was received by the claimant and the respondent no.3, the learned Arbitrator has excluded from consideration certain relevant documents. The learned Counsel for petitioner, however, is not able to point out the ground raised in the petition that certain documents which are relevant and are on record have been excluded from consideration by the learned Arbitrator. Obviously, therefore, in the absence of the ground raised in the petition, it cannot be permitted to be argued.

2. In any case I have gone through the Award and I find that the learned Arbitrator has considered the material available on record and has given reasons in detail for recording the conclusion. The learned Arbitrator has referred to the several documents including the applications filed from time to time in various proceedings and he has drawn inference from the material available on record. Considering that the conclusion reached by the learned Arbitrator is a possible conclusion reached on the material available on record, this Court cannot interfere with the Award in its limited jurisdiction under Section 34 of the Arbitration and Conciliation Act,1996. In my opinion, therefore, the petition cannot be entertained. The petition is disposed of. The petitioner is directed to pay cost of this petition to the respondents as incurred by the respondents.